

MICHAEL C. SULLIVAN (SBN 131817)
 Email: msullivan@paulplevin.com
 MARTINA M. NAGLE (SBN 160983)
 Email: tnagle @paulplevin.com
PAUL, PLEVIN, SULLIVAN & CONNAUGHTON LLP
 101 West Broadway, Ninth Floor
 San Diego, California 92101-8285
 Telephone: 619-237-5200
 Facsimile: 619-615-0700

Attorneys for Defendants
 FRONTIER AIRLINES, INC., REPUBLIC AIRWAYS
 HOLDINGS, INC. AND ROGER SORENSEN

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

KHAN MICHAEL ORDONEZ,

Plaintiff,

v.

FRONTIER AIRLINES, REPUBLIC
 AIRWAYS HOLDINGS, ROGER
 SORENSON,

Defendants.

CASE NO. C 13-00940 TEH

**DEFENDANTS FRONTIER AIRLINES, INC.,
 REPUBLIC AIRWAYS HOLDINGS, INC.
 AND ROGER SORENSEN'S RE-NOTICE OF
 MOTION AND MOTION TO DISMISS
 PLAINTIFF KHAN MICHAEL ORDONEZ'S
 COMPLAINT AGAINST ROGER
 SORENSEN AS A SHAM JOINDER**

[Fed. R. Civ. P. 12(b)(6)]

Date:	April 15, 2013
Time:	10:00 a.m.
Courtroom:	12
Judge:	Hon. Thelton E. Henderson
Removal Filed:	March 1, 2013
Trial Date:	Not set

TO PLAINTIFF AND TO HIS COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on April 15, 2013, 10:00 a.m., or as soon thereafter as the matter may be heard, in courtroom of the Honorable Thelton E. Henderson, United States District Judge, Courtroom 12, located at 450 Golden Gate Avenue, San Francisco, California. Defendants Frontier Airlines, Inc. ("Frontier"), Republic Airways Holdings, Inc. ("Republic") and Roger Sorensen ("Sorensen") (collectively "Defendants") will move this Court to dismiss the action against Sorensen in its entirety pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure,

1 on the grounds that Plaintiff Khan Michael Ordonez (“Plaintiff”) has failed to state a claim for
2 which relief can be granted. Specifically:

3 Plaintiff’s first and sixth claims for relief against individual defendant Sorensen for
4 retaliation and harassment under the California Family Rights Act (CFRA) fail as a matter of law
5 because these claims cannot be brought against an individual who is not Plaintiff’s employer.
6 Plaintiff’s joinder of Sorensen as a named defendant in the Complaint is a sham joinder.

7
8 Dated: March 20, 2013

PAUL, PLEVIN, SULLIVAN &
CONNAUGHTON LLP

9 By: /s/ Martina M. Nagle

MICHAEL C. SULLIVAN
MARTINA M. NAGLE

10 Attorneys for Defendants
11 FRONTIER AIRLINES, INC., REPUBLIC
12 AIRWAYS HOLDINGS, INC. AND
13 ROGER SORENSEN
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 *Ordonez v. Frontier Airlines*
2 USDC – Northern District Case No. C 13-00940 MEJ

3 **PROOF OF SERVICE**

4 I, the undersigned, hereby declare that I am over the age of eighteen years and not a party
5 to this action. I am employed, or am a resident of, the County of San Diego, California, and my
6 business address is: Paul, Plevin, Sullivan & Connaughton LLP, 101 West Broadway, Ninth
7 Floor, San Diego, California 92101-8285.

8 On March 20, 2013, I caused to be served the following document(s):

- 9
- 10 • **DEFENDANTS FRONTIER AIRLINES, INC., REPUBLIC AIRWAYS**
11 **HOLDINGS, INC. AND ROGER SORENSEN'S RE-NOTICE OF MOTION AND**
12 **MOTION TO DISMISS PLAINTIFF KHAN MICHAEL ORDONEZ'S**
13 **COMPLAINT AGAINST ROGER SORENSEN AS A SHAM JOINDER**

14 on the interested party (ies) in this action by placing a true copy thereof and addressed as follows:

15 Kenneth C. Absalom
16 Law Office of Kenneth C. Absalom
17 275 Battery Street, Suite 200
18 San Francisco, CA 94111
19 Telephone: (415) 392-5040
20 Facsimile: (415) 392-3729
21 kenabsalom@333law.com

22 ☒ (By E-MAIL OR ELECTRONIC TRANSMISSION) Based on a court order or an
23 agreement of the parties to accept service by e-mail or electronic transmission, I caused
24 the documents to be sent to the person(s) at the e-mail addresses listed above. I did not
25 receive, within a reasonable time after the transmission, any electronic message or other
26 indication that the transmission was unsuccessful.

27 ☒ (Federal) I declare that I am employed by the office of a member of the bar of this court at
28 whose direction the service was made.

Executed March 20, 2013, at San Diego, California.

20 
21 Julie M.W. Szotek